

U.S. Patent Application Serial No. **09/939,716**
Amendment filed December 9, 2008
Reply to OA dated October 28, 2008

REMARKS:

Claims 17 and 24 are currently pending. Claim 24 has been amended herein. Claims 1-16 and 18-23 have been canceled without prejudice or disclaimer as to their subject matter.

The Examiner has indicated that claim 17 is in condition for allowance. Applicants appreciate this indication of allowable subject matter.

Applicants' Statement of the Interview, Pursuant to 37 C.F.R. § 1.133

In view of 37 C.F.R. § 1.133, Applicants hereby submit the statement of the interview.

Applicants and Applicants' attorney thank Examiner Leung for the interview courteously granted December 3, 2008. During the interview, claims 17 and 24 were discussed. During the interview, Applicants' attorney inquired as to whether claim 24 would be in condition for allowance if the last portion of claim 17 were incorporated into claim 24. The Examiner indicated that he would prefer to have more time to review the amendments to claim 24, before making a final determination regarding that issue. Accordingly, amendments to claim 24 are being presented herein with this response. During the interview, agreement with respect to claims was not reached.

The Examiner has objected to the specification and has suggested that the amendment filed October 14, 2008 introduced new matter into the specification. The specification has been amended

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herein in order to undo the amendment to the specification dated October 14, 2008. Accordingly, in view of the above, Applicants respectfully request that this objection be withdrawn.

The Examiner has rejected claim 16 under the first paragraph of 35 U.S.C. §112 for failing to comply with the description requirement. Claim 16 has been canceled herein without prejudice or disclaimer as to its subject matter.

Accordingly, in view of the above, Applicants respectfully submit that this rejection is moot and should be withdrawn.

The Examiner has rejected claim 24 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,543,952 (**Yonenaga '952**) in view of XP000227527 (**Chung '527**).

Applicants respectfully traverse this rejection of claim 24, for the following reasons.

Yonenaga '952 and **Chung '527**, alone or in combination, fail to describe, teach or suggest the following features set forth in claim 24, as amended: “wherein modulation efficiency of said Mach Zehnder light intensity modulator at $f_0/2$ is always larger than that at frequency higher than $f_0/2$, where f_0 is clock frequency of said electrical binary signal,” in combination with the other claimed features.

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 24 should be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,
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